

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 16-0422

FILED
Case Number DA 16-0422

NOV 22 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

DANIEL M. DURAM,

Plaintiff and Appellant,

v.

O R D E R

STATE OF MONTANA, FLATHEAD
COUNTY, FLATHEAD COUNTY
SHERIFF, JUDGE DANIEL R. WILSON,

Defendants and Appellees.

Counsel for Defendants and Appellees Flathead County, Flathead County Sheriff, and Judge Daniel R. Wilson, has filed a motion to dismiss this appeal from a District Court order dismissing Duram's civil action arising out of a landlord-tenant dispute. Counsel represents that he contacted Duram prior to the motion's filing and that Duram objects to this motion to dismiss.

Defendants request dismissal with prejudice because Duram has not complied with the Montana Rules of Appellate Procedure. They explain that Duram has not filed an opening brief which was due on or before September 26, 2016, and that he has not moved for an extension of time. M. R. App. P. 13(1) and 26(1). They further point out that Duram did not cooperate in the mediation process following the appointment of a mediator and this Court's denial of Duram's motion to waive mediation. Defendants add that mediation never commenced and this time has now run.

While we afford self-represented litigants some latitude, we require adherence to the Montana Rules of Appellate Procedure. Pursuant to M. R. App. P. 13(3), an appellee may move for dismissal if an appellant fails to file an opening brief within the time allotted or within any extended time. We conclude under the foregoing circumstances that dismissal is appropriate. Accordingly,

IT IS ORDERED that the motion to dismiss appeal is GRANTED, and this appeal is

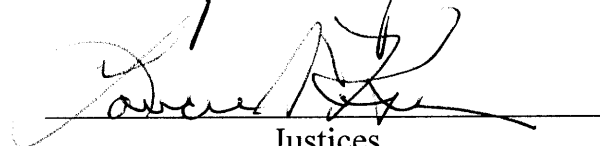
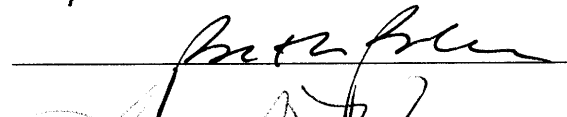
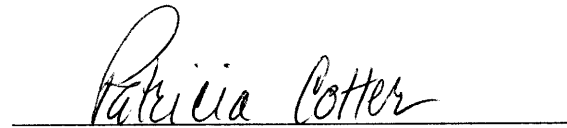
DISMISSED with prejudice.

The Clerk is directed to provide a copy of this Order to counsel of record, and to Daniel M. Duram.

DATED this 22nd day of November, 2016.



Chief Justice



Justices